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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/535,038
Filing Date: May 12, 2005
Appellant(s): ARMBRUSTER, STEFFEN

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/29/2009 appealing from the Office action mailed 1/8/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Applicant has not specified which claims are appealed. Examiner concludes that all claims are appealed.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6208916	HORI	3-2001
20040010337	MOUNTZ	2-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 34-38 and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Hori (U.S. Patent No. 6,208,916 – cited by applicant).

Hori discloses a material transport system, comprising:

- A first one data processing device (18, 19);
- At least one detection device (10), wherein the detection device is mountable to the transport mechanism, wherein the detection device has means for sending and receiving signals (See Figure 1 and Column 3, lines 1-9); and
- A second data processing device (14) positionable on or within the transport mechanism;
- A plurality of response units (16) positioned at fixed locations about the facility and cooperatively coupled with the detection device;

- One or more wireless links (See Column 3, lines 10-40), wherein upon receiving signals from the detection device the response units provide signals to the detection device, by means of which position coordinates of the transport mechanism are determinable and locations of material can be determined (See Figure 1).
- Wherein the detection device determines the current speed of the transport mechanism (See Column 3, lines 17-28).
- Wherein the data processing device and/or the detection device has a module for calibrating the position coordinates of the transport mechanism to a material-relevant point (See Column 3, lines 10-17).
- Wherein the data processing device has a module for supplementing the position coordinate with at least one area identifier (See Column 3, lines 10-17).
- Wherein the data processing device has a module for determining a type of storage of the material from the position angle (See Column 3, lines 10-40).
- Wherein the detection device is linked to a data processing device connected to the transport mechanism (See Figure 1).
- Wherein the detection device and/or a data processing device connected to the transport means and a stationary data processing device (21) are connected for transmitting data (See Figure 1).
- A stationary data processing device (21) for controlling the transport of materials.

- Wherein the stationary data processing device is adapted for verifying and providing a storage inventory with discrete storage locations (See Column 6, lines 48-56).
- Wherein the data processing device connected to the transport mechanism is connected to a device for the visual display of transport instructions, position, and/or material information (See Column 3, lines 10-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hori in view of Mountz (U.S. Patent Application No. 2004/0010337).

Hori discloses all claim limitations, except for the use of a radar device as a detection device. Mountz discloses the use of a radar device for the purpose of determining a mobile inventory tray's position coordinates (See Paragraph 37). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hori by utilizing a radar device for the purpose of determining the transport mechanism's position coordinates.

(10) Response to Argument

Response to Argument 7(a)(1)

Applicant argues that the Hori reference does not disclose a first data processing device and a second data processing device as recited in applicant's claims. As provided in Column 3, lines 10-40, there is clearly a data processing device (18, 19) that communicates with a data processing device located on the transport mechanism (14). While 18 does represent a reflector map, it transmits information and the position is calculated based on the information that is provided. Further, the map updates itself based on the position coordinates. It is clear that the data processing device (18, 19) in Hori reads upon the first data processing device as provided in the claims.

Response to Argument 7(a)(1)(ii)

Applicant argues that the Hori and Mountz references, in combination, do not have a first data processing device, a second data processing device, and a detection device configured as a radar device. As explained above, Hori discloses a first data processing device and a second data processing device. The previous Office Action provides that all of the claimed limitations were disclosed, except for the use of a detection device configured as a radar device. However, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hori with Mountz's detection device configured as a radar device, for the purpose of for the purpose of determining the transport mechanism's position coordinates.

Response to Argument 7(a)(2)

Claim 35

For the reasons above, a first data processing device and a second data processing device are disclosed in the Hori reference. Further, the detection device

configured as a radar detection device is only introduced in Claim 39. Claim 35 depends from Claim 34, which does not recite a radar detection device. Therefore, it is sufficient that there be a first data processing device and a second data processing device, which is included in the Hori reference.

Claim 36

Applicant argues that Hori does not disclose a data processing device and/or a detection device capable of calibrating the position coordinates of the transport mechanism to a material-relevant point. The data processing devices determine the position of the vehicles by determining the coordinates (See Figure 9). The position can be considered a material-relevant point, seeing as though it is the current position of the transport mechanism. Therefore, the data processing device is in fact capable of calibrating the position coordinates of the transport mechanism to a material-relevant point.

Claim 37

Applicant argues that Hori does not disclose providing position coordinates with at least one area identifier. As discussed above, the position of the transport mechanism is determined based on x.y coordinates. Further, the cited section provides that the data processing element on the transport mechanism determines the area of the position of the transport mechanism. It is clear that position coordinates include at least one area identifier.

Claim 38

Applicant argues that Hori's invention is not configured to determine a type of storage of the material from the position angle. It is clear from Column 3, lines 10-28 that the position angle determines the orientation, position and status of the transport unit, therefore the type of the transport mechanism storage of material (type being the availability with regards to orientation and position). Therefore, the limitation is disclosed.

Claim 40

For the reason stated above, Hori discloses a first data processing device. Further, as provided in the above cited sections, the detection device does in fact provide current position information to the first data processing device. Therefore, this limitation is disclosed.

Claim 41

Applicant argues that Hori fails to provide that the system is configured to define material pick-up points with respect to a material-relevant point. It is clear in the disclosure of Hori that an initial point during start-up is determined (See Figures 3-6) and each subsequent point is defined based on reflected information (See Column 3, lines 43-59). Therefore, subsequent material pick-up points are in fact defined.

Claim 42

As explained above, material pick-up points are in fact defined. Further, Hori discloses a system in which a position angle of the transport mechanism (position and orientation) is determined. Therefore, this limitation is disclosed.

Claim 43

Applicant argues that Hori fails to disclose verifying and providing storage inventory information according to discrete storage locations. The system of Hori provides for the verifying and providing of information with regards to the transport mechanism according to each of the points, or locations, that it travels to. As it moves to each additional point, the information is updated.

Claim 44

Applicant argues that Hori does not disclose a data processing device connected to a device for the visual display of transport instructions, position, and/or material information. It is clear that the map is a visual display of the position of the transport mechanism, as provided in Column 3, lines 10-40.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 3651

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ramya Prakasam

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